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SERMON CCLII.

BY REV. ALBERT BARNES.

PHILADELPHIA.

THE SUPREMACY OF THE LAWS.

ROM. xiii. 1—7.—*Let every soul be subject unto the higher powers. For there is no power but of God: the powers that be, are ordained of God. Whosoever therefore resisteth the power, resisteth the ordinance of God: and they that resist shall receive to themselves damnation. For rulers are not a terror to good works, but to evil. Wilt thou not be afraid of the power? Do that which is good, and thou shalt have praise of the same:—For he is the minister of God to thee for good. But if thou do that which is evil, be afraid; for he beareth not the sword in vain: for he is the minister of God, a revenger to execute wrath upon him that doeth evil. Wherefore ye must needs be subject, not only for wrath, but also for conscience' sake. For, for this cause pay ye tribute also: for they are God's ministers, attending continually upon this very thing. Render therefore to all their dues: tribute to whom tribute is due; custom to whom custom; fear to whom fear; honor to whom honor.*

IN this passage, Paul advances the following important principles :

1. That government is instituted by God. It has not its origin in man; and is not to be regarded merely as of human arrangement. It is the appointment of the Ruler of the nations. The necessity of government has not grown out of any conventional arrangements of society; nor may it be dispensed with by any conventional arrangements. God intends that there should be government and law; and intends to be regarded as having himself instituted civil authority.

2. Submission to government and to law is a duty to God. It is not merely because we have chosen the rulers, or because we have made the laws, or because our interest is involved in the execution of them, but it is because God has made it our duty to obey the laws as an act of submission to him, and as recognizing his authority over nations.

3. Resistance to the laws, except in matters of conscience, is resistance against God, and is a sin against him. It is not merely that property is injured, and life endangered, and the peace of the community disturbed, and rights jeopardized; but it is that the arrangements of the Supreme Ruler of all are interfered with, and his own government resisted, that constitutes the main evil of a disregard of the laws of civil government.

4. One design of government is to protect the innocent in the exercise of their rights. Rulers are appointed by God for this end.

They are his ministers, acting in his place, and by his authority. Of course, they sin against him if they do not do it. They not only betray the interests of those who clothe them with office, and are recreant to the high trust conferred by men, but they are guilty of disregarding the duty they owe to God, and of unfaithfulness to him.

5. It is also the design of civil government to punish the violaters of the laws. The magistrate bears the sword for this object; and he is bound to restrain and punish wickedness as an act of duty to God. This office is God's only ordinance in this world for this purpose. He has taken away the sword from individuals, who, in a state of nature might execute vengeance, and has given it to the magistrate. And it is now the purpose of God, that punishment shall be administered by the magistrate, and according to the laws, and not by individuals, or by mobs. And it further follows from this, that if the magistrate does not punish offences according to the laws, they are to go unpunished—except as God shall himself punish them in the administrations of his Providence. For he has commissioned no other authority to do this but the civil powers.

These are the vital principles contained in the Bible on the subject of civil government. These principles are to remain the same, and are to guide us in all our discussions on the subject. It may be added here, that the subject was attended with much more difficulty when Paul penned the text than it is now. It was not then merely a general question whether submission should be rendered to the laws, but it was whether submission should be rendered to the corrupt and bloody monarchs who in such rapid succession occupied the throne of the Cæsars. Paul wrote this epistle either near the close of the reign of Claudius, or in the time of Nero. And the question which could not but agitate the minds of christians, was not merely whether they should submit to civil government in general, but whether they should submit to the government of such men as "the dark unrelenting Tiberius, the furious Caligula, the feeble Claudius, the profligate and cruel Nero, the beastly Vitellius, and the timid inhuman Domitian."

Yet the great principle was advanced, that, even under the reign of such men, we are to yield submission to the powers that be, and to acknowledge government as the institution of God. In our own land the question is of much more easy solution. Here the laws are what they should be, or may easily be made so by the people themselves. Here no such question agitates the bosom, as whether we shall yield to the arbitrary enactments of such men as Tiberius and Nero; here there can be no reason for disregarding the laws on the ground that they are unequal and unjust.

But, though the grounds for the discussion of this subject have been changed, the propriety of discussion still remains. Within a few years past a state of things has arisen in our land—to the surprise



of every good and peaceful citizen—which renders it proper to discuss the the subject again in every way in which discussion at all is proper. It is appropriate in the pulpit not as a matter of politics ; not to agitate the public mind by any examination of the *subjects* which have led to the late extraordinary scenes ; but simply with reference to the inquiry, what is the Scripture doctrine on the subject, and in what way shall we as citizens discharge our duty to God in showing our respect to the laws. You will bear me witness that I have not unduly introduced any reference to political matters, or agitating public questions into this place. Nor shall I on this occasion I trust, depart at all from the proprieties of this place and day ; and though I must allude to the painful disregard of the laws which has been lately manifested in this land, it will be done simply for the purpose of illustration, and so as not to depart from the course which is appropriate to the pulpit on subjects connected with morals and religion.

The painful events to which I refer, are such as the following : The mobs in the city of New York ; the burning of the convent in Charleston, Massachusetts ; the hanging of five men who were gamblers at Vicksburg, without the trial of law ; the scourging of Northern citizens in Virginia and Tennessee ; the destruction of property at St. Louis and St. Charles, and the murder at Alton ; the burning of MacIntosh at St. Louis ; and the recent outrage and destruction of property in this city. All these have been alike, though on different subjects, and in different parts of our country, in the following respects : namely, that they have occurred without the regular process of law, under highly excited passions, in spite of the police, and in defiance of the laws of the land ; that they have been in most instances connected with the question about freedom of discussion, and in all instances have resulted in the violation of either the property, the rights, or the lives of others.

Had but a single instance of disregard to the laws occurred in the land, and had that been met by the prompt, and decided indignation of the whole community, the case would have been little alarming. Or had the excitement occurred only on one subject, or in one section of the nation, there would have been much less in it to demand public attention. But the reverse of all this has been true. Every part of the land has been disgraced with such scenes. Disregard to law and to the rights of property has extended to many subjects, and has been increasing. Attentive observers, also, cannot but have remarked a deplorable change in public opinion among the more respectable classes of the community on the subject. At first, there was but one sentiment, and that was a sentiment of decided indignation against the disregard of the laws. But, unless I err, there is by far less indignation felt and expressed at present. The sentiment is gaining ground, and is advanced, sometimes guardedly, and at others openly, that there are evils in the community which the law cannot

punish, and which can be met only by the people taking the law into their own hands. There is a feeling that when there is any thing that is deemed indecorous, or deficient in taste or propriety, it is proper for a mob to suppress it. And when an outrage is committed; when the police has shown its want of power to restrain, or when the magistracy has connived at the violation of the laws, and at the destruction of property, there is an extensive feeling gaining ground in the community that it is well, now that the outrage is done, that it was done. Respectable citizens condemn it in faint tones, and the press lifts a feeble voice, and the affair is suffered to die away without much effort to bring the offenders to justice. Or if a murder is committed, a jury is unable to convict for it; or if an outrage is committed on person or property, the offenders by common consent are allowed to escape. In many circles you may hear the sentiment advanced—and almost without exciting surprise—that there are things which can be restrained or punished only by a mob; and the growing want of feeling on the subject is one of the most alarming things in our land. Any one can see that if this sentiment is suffered to advance, the period is not far distant when *all* our institutions shall be held at the disposal of a mob; and when our judges shall hold their offices, and our ministers preach the gospel, and the affairs of our banks shall be administered, and every thing pertaining to the public welfare shall be conducted at the discretion and under the control of those who set at defiance all law and all restraint.

Under these circumstances, it is important that the whole subject should receive the profound attention of every member of this community who prizes our civil and religious institutions, and who has any regard for the supremacy of the laws. In the further persecution of this subject, therefore, I propose—

I. To show the necessity and importance of the supremacy of the laws, or of a government of law; and,

II. The way in which this may be secured.

There are the three following kinds of government among men :

(1.) The will of a single despot, of one absolute sovereign, holding his office either by hereditary title, or by usurpation. His will is law. His caprice is law. His passion is law. Of course, in such a case there can be no security of rights. There can be no permanency in any plans for public improvement. No man has any security of his life, his property, no security that his plans can be consummated. The will of the despot may change in a moment; or the whole affairs of the State may be changed in a moment by the accession of a tyrant of different, yet equally capricious character. The only basis of calculation in regard to any plan of improvement, or any rights of person or property, is the life of the individual despot, or what may be known of his individual character. The reader of history will recall a full illustration of this in the rapid succession



of the despots that hastened the fall of the Roman empire, from Tiberius to Domitian. An illustration is furnished now in the Turkish dominions, where the sceptre of a despot is swayed over what was once the fairest portion of the world, and where desolation now reigns, because the rights and securities of life and property, such as is furnished by an administration of law, are unknown. And the world has scarcely recovered from the horror which was produced by the reign of despotism in the bloody scenes of the French revolution.

(2.) The will of a mob.—This differs from the former only in the fact that there are *many* despots instead of one, and that the despotism is more intolerable. There are many capricious minds instead of one; there are many under the influence of passion instead of one; there is all the evil of a want of stability and of principle in a multitude instead of an individual. An individual, however lost to virtue he may be, feels some sense of responsibility to his fellow men, or has some desire to transmit his name to posterity, as not among the most abandoned of the race; a mob has none. An individual, however capricious he may be, has *some* stability of character, or something which may be the basis of a calculation. A mob has none. However perverted and wicked may be the principles of such men as Nero, or Danton, or Robespierre, it is possible to learn how they will act in given circumstances; but no one can determine on the future movement of a mob. An attack on gamblers, or on a convent, or a church, is no evidence that the abhorrence of gamblers, and convents, and churches will have any permanency, or that the fury of the mob will not spend itself on banks, or colleges, or private dwellings. It may be added, that when this spirit becomes prevalent in any community, it ends in single despotism. Some individual is found more bold and talented than the rest, that rises on the whirlwind of passion, and by terror and arms bows the multitudinous passions and caprices to his own. On all accounts such a single despotism is preferable; and God ordains that no community shall long remain without the operation of some established form of government and law.

(3.) The third mode of government is that of law. It matters not, so far as we are now concerned, whether the laws are made by a single sovereign hereditary or elective; or by a monarch in connection with a representative legislature; or by a hereditary aristocracy; or by representatives of the people; or by the people themselves in their assembled character. One form of administration is undoubtedly preferable to another in many respects, but all unite in this, that *it is a government of law* in contradistinction from the caprice of an individual, or of a multitude. The laws are known. They are formed deliberately, and are promulgated. They are settled by what is recognized as competent authority, and they are not changed suddenly or by caprice.

God intended that there should be such government over men;

and it is to laws so made—if not contravening his own—that he requires submission. The importance and advantages of this mode of government over the capricious will of a despot, or of a mob, may be seen by the following considerations :

First. This alone can give security and prosperity to a people. It matters not so much what the laws *are*, as that there *are* laws, and that they are known, and that they will be executed. All rights of property, and all improvements depend on this. No man will clear and improve a farm unless there is law that will protect him; and the want of this security is the cause of the desolation which reigns in the Turkish empire, in Arabia, in Africa, and in the regions of despotism generally. All public improvements require time, and the fixedness and the security which can be furnished by laws alone. The purposes connected with the endowment of a college, a school, a canal company, a banking institution, with manufactures and with commerce, can never be accomplished, rarely more than commenced, in a single generation. They stretch into future times, and demand the continued protection of the laws. They must reach on beyond the life of an individual, and beyond the capricious will of a mob, or a despot, or the purposes cannot be accomplished. They demand the permanency of laws that are known, and the plighted faith of a whole people that cannot soon change. The universities of Oxford and Cambridge have held on their way, diffusing the blessings of science and religion over England and the world more than a thousand years, because the law which protects them has not been at the control or caprice of the sovereigns, and because there has been the plighted faith of the whole nation to secure them. In Arabia, in Africa, in the Ottoman empire no such institutions have been founded, none could be maintained. The will of an individual—especially when the scimitar may create a change of despots in an hour—is too capricious to furnish any security for permanent investment. In our own country there are more rights vested on the presumption of the stability and permanence of the laws than in any other on the face of the globe. All our agricultural improvements; our farms and plantations; our banks, colleges, churches, manufactories, railroad investments, religious seminaries, hospitals and asylums are founded on the presumption of the permanence and stability of the laws; and the announcement that the caprice of a mob or of a despot was to rule hereafter in this land, would cripple or destroy them all in a day.

Secondly. God's government is a government of law. Though he is an individual and an absolute Sovereign, and though no one can control him, yet such in his view is the importance of a government of law, that he has made his entirely such. There is no mere will. There is no caprice. There is no change from passion or whim. Men know what his law is, what to depend on, and they can act on it with the utmost certainty. They calculate with unerring



conviction on the laws of nature, and are assured that there will be no change from caprice. The earth "spinning, sleeps on her axle," without the slightest variation; the laws of light and motion in the heavenly bodies are the same always; and alike in the natural and the moral world, God observes unvarying rules. The position of the heavenly bodies can be calculated with certainty for ages yet to come; and such is the stability of his empire, that men always know what will meet his approbation, and what his frown; and in the most absolute and independent government of the universe, that depending on the will of an individual of infinite power, there is the most profound regard paid to law, and the utmost conceivable permanency of administration. What would the affairs of the universe be, if his government were like a capricious earthly despotism, or like the administration of a mob?

Thirdly. So important is the supremacy of the laws that God requires us to submit to them, even when better laws could be made, unless they violate the dictates of conscience. Thus in our text, he required submission to the laws of the Roman empire; though no one can doubt that a more desirable administration can be easily conceived than that of Caligula or Nero. That unequal laws may be changed in a proper way, no one can doubt, nor that it is the right and privilege of a people to bring about such changes in a peaceful and proper manner. But when the laws violate none of the dictates of conscience, and command nothing which God forbids, it would be attended with more evil to disregard and disobey them, to unsettle the stability of government and the permanent arrangement of things, than submission to them would be. The one would be a private evil; the other a public calamity; and an individual evil is to be submitted to rather than to disturb the public peace.

It is from considerations such as these, that the Bible every where enjoins submission to the laws of the land; and that the Apostles and the Redeemer himself were among the most obedient citizens of the Roman empire. "Render, therefore, unto Cesar," said the Saviour, "the things which are Cesar's; and unto God the things that are God's." Math. xxii. 21. We are free, said he on another occasion from paying the public tax, "notwithstanding, lest we should offend them, go thou" said he to Peter, "to the sea and cast a hook, and take up the fish that cometh first up; and when thou hast opened his mouth thou shall find a piece of money; that take and give unto them for thee and me." Math. xvii. 27. "Honor all men. Love the brotherhood. Fear God. Honor the king." 1st Pet. ii. 17.

To this view there stands opposed the one that has been recently acted on in this nation, and that is becoming so prevalent even in the better portions of the community. It is, that when there is a course of conduct that is supposed in any way to outrage or offend public sentiment; when there prevails an evil which the law does not de-



scribe or which it cannot punish ; when the regular operation of law would be too dilatory or too uncertain in its issue, it is the right of any portion of the community to take the matter into their own hands, and inflict summary vengeance on the offenders. This is done sometimes by the mere excited feelings of a populace and under cover of the night ; sometimes by an impannelled mock jury or a mock court of men sustaining a fair standing in the community or even an office in the church ; and sometimes by an armed mob prepared for burning, or murder. The plea, when a plea is attempted, is, that there are evils which the laws do not reach, and yet which endanger the welfare of the community. To this I reply :

1. If the laws do not reach the evil, then let laws be made that can do it. The power of making laws, resides in the community itself ; and it is the fault of the community if they are not what they should be. But shall justice be defied, and all order and right set at naught, because a man has done that which no law forbids ?

2. There are other ways of removing folly, indiscretion, and offences against public taste and a sense of propriety than by this summary vengeance. If a thing is erroneous, argument may be opposed to it ; if foolish, ridicule may be applied ; if offensive to the public taste, the public should stand aloof from it. Follies soon wear themselves out, or change for others ; and if left undisturbed, a correct public sentiment will soon remove them. If a man chooses to make himself ridiculous by his dress, the cut of his hair, his beard, or by his gait ; or if he chooses to do it by the selection which he makes of his companions and associates ; or if the female sex shall disregard the proprieties of their station, and the feelings of the community ; who can deny the absolute right to do it ? Who has a right to molest or disturb them ? Such things can be put down without constables, or bailiffs, or courts, or mobs. The most potent laws in any community are the *unwritten* laws which are secretly and silently executed, and whose influence no one can long and safely resist.

3. Is it not known that the very way to propagate obnoxious sentiments is to excite the spirit of a mob, and to disregard the laws of the land ? The whole community is at once excited in behalf of the persecuted, and in behalf of sentiments that are opposed in a form contrary to the laws. Such is human nature. The burning of a convent will do more than any thing else to turn the public favor towards the sentiments inculcated there. The murder of a man by a mob will do more than can be done in any other way to spread his sentiments through the community. The fire which is kindled to destroy an edifice professedly devoted to free discussion, does more to spread the sentiments to which it is devoted than the arguments of its friends ; and the price which the edifice cost could in no way be employed to spread the sentiments so far as by its being made to shed a blaze abroad at night, under the control of a mob, over a great city. The

sentiments in this community which are deemed obnoxious by so large a portion, have been diffused more by the disregard of the laws in resisting their propagation, and by the stripes, and execrations, and blood, and burning, which an attempt to propagate them has met with, than by all the itineracies of travelling agents, and all the books which a groaning press has sent forth, and all the newspapers and pamphlets which a burdened mail has carried to the extremities of the land.

4. On the principle contended for, to wit, that there are some offences which the laws cannot reach, and which are to be met in despite of the laws, who is safe? To-day it is held that gamblers shall be executed, and it is done. To-morrow, and with the same propriety, the fury of the mob shall be turned against those who have themselves thus set at defiance the laws. To-day the fury of the mob shall rage against a convent—to-morrow against an offensive press. One infuriated and excited mob shall maintain that a theatre is a nuisance, and shall destroy it; another shall make an assault on an abolition hall; another shall maintain that slavery is an evil, and pour the fury of an excited mob against the dwellings of those who hold others in bondage; another shall deem a church, a college, a bank a nuisance—and all with the same disregard of law. Who then is safe for a moment? What interest can be secure when such sentiments are avowed, or connived at, or treated with any thing but decided abhorrence by the intelligent and virtuous portion of the community?

The world saw long since, a melancholy illustration of the tendency of the sentiment that there are evils which cannot be restrained by law, and that summary justice must be taken into the hands of the people. There was one arraigned on a charge of blasphemy. The forms of law had been gone through with. With all power in his hand, he had yet thrown himself on the protection of the laws of the land. "I find no fault at all in this man," was the deliberate sentence of the judge. The law was clearly in his favor, and the public officer declared his acquittal. But that law and its solemn decision were disregarded. "Crucify him; crucify him," was the cry of the excited and infuriated mob. He had offended the nation. He had advanced sentiments which they disapproved; and though the law was clearly in his favor, and the sentence of acquittal unambiguous, yet the passions of a capricious and tumultuous people were excited, and nothing would appease them but his blood. God's everlasting and holy Son, acquitted by law, under the permission and by the connivance of a magistrate too weak and flexible to maintain the stern interests of justice, expired under the guidance of an infuriated mob, on a cross!

II. Our second inquiry is, in what way may the supremacy of the laws be secured and maintained? What is needful in this community in order that this great object may be obtained? We have no



large standing armies to enforce obedience to the laws, and we can have none consistently with the safety of the republic. All our institutions depend on the prevalence of a correct and enlightened public sentiment; and the answer to the questions which have now been proposed, will depend on the answer to the question, in what way can a correct public sentiment be formed and maintained, and the virtue of the people be secured? In order to the accomplishment of this object, I would mention the following things as indispensable:—

1. The influence and prevalence of the principles of the Christian religion. I mean by this, not that it should be taken under the patronage of the state, but that it should pervade and influence the public mind. In other words, the prevalence of Christianity would secure obedience to the laws, and make public order and virtue certain and secure.

Let the sentiments of our text, and the other precepts of the New Testament on the subject of subjection to the civil magistrate, become the prevalent sentiments of the community, and tumult, disorder, and riot will be at an end. Every man who is brought under the influence of the Christian religion, is a man who believes that civil government is an ordinance of God; that the laws are to be obeyed; and he submits to the laws, not by constraint, not because he believes it to be a matter of human prudence, or a compact merely, but because it is the appointment of God. It becomes a part of his religion; and the highest of all sanctions,—that of religion—is brought to bind him to yield obedience to the laws of his country.

Christianity prompts men to concede to others the exercise of their rights. It yields to them the right of discussing and examining all subjects freely and without annoyance. The right of every man to pursue his own plans, if he does not interfere with the public welfare; to express his opinions when and where he pleases; to carry his investigations into any regions of inquiry, unfettered and unannoyed, is a right which Christianity every where concedes to man. Every man has invaluable rights which he is at liberty to exercise, and which no other man is at liberty to disturb or annoy; and this right is every where conceded where Christianity exerts an influence over men.

Accordingly, a single glance at the facts in the case, would convince any one of the value of Christianity in securing the supremacy of the laws. Who have composed the mobs of this land? That in one or two instances professors of religion, and even officers of churches, have been concerned in mock trials, and in sentencing men to punishment without regard to the laws, I admit with shame and with deep humiliation. But such has not been the character of the mobs in general in this land. Go through them, and you would search in vain, it may be confidently affirmed, for a single professor of religion—much more for one who gave evidence that he was the true friend of Jesus Christ. The friends of the Redeemer every



where are the friends of order and virtue, and of public and private rights, and of the observance and execution of the laws.

Their sentiments on this subject have been put to the test, and are well known. More than any other class of men, Christians have been subjected to the operation of unjust and cruel laws. Early the power of the state was brought to crush their religion; and early the question was agitated, whether they should, or should not, submit to the regular operation of the laws of the land. Their course is well known; their sentiments are recorded. The example of the Redeemer, their great model, stands foremost and prominent. He had been unjustly condemned. The law was in his favor, and the actual sentence of the civil magistrate was on his side. Yet, at the solicitation of a mob, he was condemned to die; and to the sentence of the magistrate, though known to be unjust, he submitted without a murmur, and was led as a lamb to the slaughter. So Paul—"If I be an offender, or have committed any thing worthy of death, I refuse not to die." Acts xxvii. And so profound was his deference to the laws; so deeply impressed with the importance of acknowledging the civil authority, that even when Nero was on the throne, he carried his own cause to the imperial tribunal, and resolved to abide the issue of a trial there. "I stand," says he, "at Cæsar's judgment seat, where I ought to be judged." Acts xxv. 10. And we may appeal to the whole history of the apostles, persecuted and opposed as they were. When did they organize an opposition to the regular operation of the laws? When were they found among the disturbers of the public peace? When did they band themselves and their followers together to resist the regular operation of public tribunals? So of the martyrs and confessors in all ages. Calmly and quietly they went with the spirit of their Master to the rack or the stake, submitting to the laws of the land where they lived. It was only in cases where conscience forbade their compliance that they ever refused, and *then* they offered no disturbance, but chose calmly and peacefully to die. So died Ignatius, Polycarp, Ridley, Cranmer, and Latimer. They formed no organized bands to oppose the laws. They never attempted to wrest the sword from the hand of the magistrate. They excited no infuriated populace to rescue them and destroy the property or the lives of their persecutors and oppressors.

And my remark now is, that if the laws are to be obeyed in this community, the mild and peaceful influence of religion must spread over the land. Religion would prevent any tumultuous assemblage; would produce a sacred regard for the rights of all; and would secure what no arm of the magistrate, and no bayonets, and no vigilant police can do—universal order, industry, temperance, peace; the universal fear of God, and a sacred regard every where for the rights of man.

2. Allied to this, I mention secondly, as indispensable to the supremacy of the laws, the success of the temperance reformation. No

mob is raised, probably, except under the influence of exciting drinks. No infuriated, frenzied mass of mind can be urged on to deeds of desperation and blood except in connexion with, and under the influence of ardent spirits. Tumults, and riots, and scenes of lawless disorder commence usually near the low tavern and the dram shop. Masses of excited and enraged mind become consolidated and reckless commonly under the influence of this poison. In the riot at Alton, the mob *prepared* themselves for the work of blood in which they were about to engage at a tavern in the city, and repeatedly repaired there during the disgraceful scenes of that night, in order to renew their zeal and fire their ardor, and "screw their courage to the sticking point." Had there been no tavern there; had it been impossible to have obtained the poison, there is every reason to suppose that the nation would have been spared the disgraceful scenes of that ill-fated night. And if this nation were to become universally temperate; if the designs of the temperance reformation are ever carried out; if every dram shop shall be closed, and the state shall cease to lend its patronage to the vending of the liquid fire; if every man becomes a sober and a temperate man, we might safely guarantee the universal execution of the laws; nay, we might almost disband the criminal courts in the land. Be it remembered, that near nine tenths of the cases of infractions of the laws, of the assaults, and the arsons, and the broils, and the murders, are wholly under the influence of intoxicating drinks. Nine tenths of the taxes which we pay for the support of justice originate from the fact that the state, under its high sanction, and for a *price*, causes these fountains of poison to be opened at every corner of the street, and has ten thousand agents employed in making paupers and criminals, and in maintaining riot and disorder throughout the land.

3. In order to secure the supremacy of the laws, the sentiments of the virtuous and upright part of the community must be right on this subject. Disorder and tumult and mobs and murder must not be apologized for, or condemned with faint voice. On this point there must be but one mode of speaking—but one manner of feeling. There must be no language in regard to that which is supposed to be an outrage on public sentiment which shall excite a mob. No one, I think, can doubt that the mobs in this land have been encouraged or caused by the tameness of the sentiments in the community in regard to them; by the want of prompt and decided indignation from every quarter; and by opinions and expressions favorable to them from sources of influence and power. Respectable citizens, and the conductors of the press have, in some instances, spoken of movements before the public in just such a manner as to encourage the disregards of the laws, and when the outrage has been committed, the language of condemnation has been feeble, and has soon died away. Extensively in the community there has been the impression



produced that there *are* offences which deserve the interposition of a mob ; and a strain of remark has been indulged in just fitted to urge on a lawless multitude to scenes of disorder and of blood.

Now what is needful—what **MUST BE**—in this land, every where, is, that there should be the language of unqualified condemnation of such infraction of the laws. From the pulpit, the press, and from every place of influence, there must be heard but one voice. There must be no apology ; no time-serving ; no equivocal tone. All must be decided, consistent, firm—or our liberty is gone.

Men may differ in opinion—and they cannot be prevented from differing in opinion except by the influence of argument and truth—on the questions whether it is prudent or proper for a man to establish a press or a nunnery in a particular place ; whether a minister of the gospel should be found with arms in his hands in defence of his property ; whether slavery is an institution patronized by the Bible, and consistent with the rights of men ; whether the schemes of the colonizationists are or are not wise ; whether the plans and aims of anti-slavery men are or are not well laid and consistent with the laws of the land ; whether it is or is not expedient and proper for females to discuss in public great and vital questions ; whether it is best for individuals of different colors to form compacts and friendships ; but on the question whether it is right for a lawless mob to hang men, without judge or jury ; to burn a dwelling ; or to imbrue their hands in the blood of a minister of the gospel, or of any other citizen, there is to be no ambiguity, no trimming, no difference of sentiment, no “uncertain sound” from the pulpit or the press, or in the conversation of the citizens of this community. Let us discuss these other matters coolly and calmly. Let us appeal to reason, and conscience, and a sense of propriety, and the law of God. Let us take all the time that is needful to settle them ; and let us on all these points follow where truth shall guide us. But let us in no case, and on neither side, call in the aid of an excited mob. Let us throw out no insinuation that we need their assistance. Let us not provoke them to deeds of violence ; and if they do outrage the laws, and trample down the rights of men, let us lay aside all other matters of debate for the time being, and join in one note of loud, long, and united indignation, that shall be heard throughout the length and the breadth of the land. Here we may be united. Here we have common cause. Here common interests are at stake. And here we *must* be united, or we shall soon bid farewell to all that is dear in the honored name of liberty.

4. There must be a magistracy that is unshrinking in the execution of the laws. A decided and determined magistracy when the spirit of mobs first commenced, would have prevented every subsequent outrage. Let a magistrate, like Pontius Pilate, yield to the demands of an excited and infuriated multitude ; let him see one whom



the laws should protect dragged to death ; let him see blood poured out like water, without the proper attempt to preserve it, and who can be ignorant of what the result will be ? O, had Pilate possessed the spirit of Brutus and of Cato, how different had been the scene in Jerusalem. *Fiat justitia, ruat cælum*, was the stern maxim of Roman jurisprudence ; but this maxim had no home in the bosom of Pilate. Has it any home in the bosoms of the defenders of the laws in this land ? When a magistrate is imbecile or inactive ; when he connives at public tumult and disorder ; when apprized of threatening danger to property or life he makes no preparation to maintain the supremacy of law ; or when he coolly looks on, or the citizens look on, and they have no power or no will to prevent the disgraceful scene ; who can be ignorant what scenes are yet to follow ? Cut off from the protection of his country, to whom shall a man or a society of men appeal in defence of their rights ? Government is at an end, and law is at an end, and but one more step is necessary to complete the ruin of the nation. Let some Cataline call around him the dissipated and lawless spirits of the land ; let him collect from every dram shop, and every abode of idleness and of guilt, those who feel that all men who hold property are violating *their* rights ; let him inculcate the doctrine that all banks, and charters, and churches, and Legislatures, and courts are an invasion of *their* liberty ; let him teach the precious maxim of modern infidelity that all property is to be common and all institutions levelled ; and the brilliant career of our Republic will soon be closed by the darkest despotism that has ever tyrannized over mankind. And unless in this nation there is moral strength enough to preserve the supremacy of the laws ; unless there ARE MAGISTRATES WHO WILL LAY DOWN THEIR LIVES rather than see the property and rights of their fellowcitizens destroyed by a lawless mob ; and unless there is principle enough in the community to sustain them in the enforcement of the laws, we have already come to the crisis of our destiny and the end of our liberties.

5. Finally, in order to the supremacy of the laws, and preservation of order and peace, the right of free discussion must be conceded. It cannot be denied by any class of men that no small part of the disorder and disturbance of the public peace which has occurred has arisen from unwillingness to admit this right, and has been designed to suppress it. It has been because there are certain topics which it has been supposed are not to be brought into public debate, or subjected to public inquiry ; and the effort has been made to shield those points from public examination.

Now there is no time to go into an investigation of this subject, or to institute the inquiry by what limits that right is to be bounded. We may remark in general, however, that all our institutions are based on the right of free discussion. It is assumed in this country that all subjects may be examined. We have no liberty that

does not suppose this. Herein is our warfare with the tyrants of the old world; herein is our contest with those thrones of despotism which have so long tyrannized over man; herein is the reason why monarchs turn pale in their palaces and tremble on their seats of power; herein is the contest of the Protestant religion with the Papacy; herein is the struggle between freedom and arbitrary power. We owe our present elevation to this freedom of discussion more than to any thing else. It is because mind has met mind, and thought conflicted with thought; and because there has been a healthful agitation of public opinion—an agitation, compared with the leaden slumbers of other nations, like the healthful motion of the waters of the mighty deep compared with the stillness of the stagnant pool—it is to this that we owe all that is great and valuable in our nation. It is because it has been hitherto a maxim in the Republic that there was *no* topic which might not be subjected to the most free inquiry; no point in politics, in morals, in science or in religion which might not be canvassed most freely by any press or by any man, in any primary assembly or in any legislative hall, it is owing to this that we are now a nation of freemen. Our countrymen have had no other idea of liberty. No matter from what quarter or by what means any sentiment is advanced; every American has believed that he has a perfect right to examine it, and to embrace or reject it, as he pleases, or to express his sentiments in regard to it in any proper place or to any class of men. It is *THE* right on which all our institutions depend. The extraordinary doctrine which has been recently advanced that there are *some* points which must never be subjected to free discussion; the little sensibility which has been felt in regard to the claim; and the measures which have been adopted to defend it, and the sympathy which those measures have met, has done more to alarm the true friends of liberty in this land than all that has ever happened from the efforts of foreigners, or all the dangers that have ever threatened us from abroad. We need not fear foreign armies. We have measured strength with them and our swords have met theirs in deadly strife; and we have settled the point that our liberties are safe from any foreign invasion. We need not dread their fleets for we can build a navy like theirs, and can, if necessary, meet the mistress of the ocean “on the mountain wave.” But how shall we meet this subtle enemy? How if one half of the nation shall refuse to their brethren the right of the fullest enquiry into all that pertains to the national morals, liberty, character, welfare? The pulse of freedom beats languid when this right is denied; it sends vigorous tides of life and health only when it is conceded that every thing may be investigated freely. No matter to what subject the point relates. The moment the principle is conceded that there is one point that may not be examined, that moment our liberty ceases. As long as it is held that there is one principle in science or in re-



ligion ; one doctrine of government or one maxim of law that may not be examined ; that there is one tribunal, be it the Inquisition or the Star chamber, that may not be examined ; one custom or opinion that may not be tested by reason or the Bible ; that moment our liberty is at an end. A wedge is entered that may be driven, and that will be driven, until the whole fabric of civil and religious freedom is riven asunder and is demolished. That moment we become a different people from those who landed on the rock at Plymouth, and those who planned and achieved our liberty. That moment the dark shade of despotic power begins to stretch itself over our fair land. The shadows of death will spread all along our hills and vales ; and our country be destined to sink in the horrors of a long night of ages.

This right of free discussion is not to be denied. It is to be conceded that all things pertaining to the public welfare may be examined. There is to be no disturbance ; no interruption ; no intimidation ; there must be no stripes ; no burning ; no murdering for the most free and full exercise of this right. Argument is to be met by argument and not by the fire-brand ; principles are to be settled most freely by discussion, and not by a rifle or a dirk ; thought is to be met with thought, and not by the cries of an infuriated and intoxicated multitude. What argument cannot put down must stand ; and what can be met by no other weapons than the fire-brand or the rifle must endure as long as the everlasting hills.—Every man, therefore, who can contribute in the least degree to the defence and illustration of this right confers an invaluable service on his country, on human nature, and on the world. When his name shall have been forgotten, the principles which his feeble powers have contributed to defend shall live in the augmenting happiness of mankind ; in the elevation of human nature to its highest dignity ; in the liberal arts, the sciences, the literature of future ages ; in all the departments of state, in the supremacy of just and equal laws, and in the universal glory of the church of Christ on earth. Be it ours to defend this right, and to help to transmit it unsullied to future times. By all the powers of argument it is to be defended ; by all the tenderness of persuasion ; by all the firmness of Christian principle and lofty patriotism ; by every man who loves his country or the church ; by the pen, the press ; in the pulpit, in the legislative hall ; by the fire-side, and in the seminary of learning. Thus only when this right is always and every where conceded will the supremacy of the laws be maintained ; thus only can we look for the wide prevalence of Christian and virtuous liberty and for the universal reign of truth. Christians and fellow-citizens, let there be one community on earth which shall assert and maintain the omnipotence and the supremacy of law ; one country where the capricious will of a despot, be it of an individual or a mob, shall never be allowed to reign.





